

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ROBERT M. GERBER, *et al.* :

Plaintiffs, :

CIVIL ACTION NO.
05-10782-DPW

v. :

ROBERT S. BOWDITCH, JR., *et al.* :

Defendants. :

DEFENDANTS' ASSENTED-TO MOTION TO EXCEED PAGE LIMIT

Defendants, Robert S. Bowditch, Jr., Gerald Slavet, Steven Rioff, and BSR Associates hereby move pursuant to Local Rule 7.1(B)(4) for leave to file a memorandum in support of their motion to dismiss that exceeds twenty pages. Defendants' memorandum is twenty-eight pages in length. Plaintiffs have assented to this motion.

WHEREFORE, Defendants respectfully request that this Court grant Defendants leave to file the accompanying memorandum in support of their motion to dismiss.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that my co-counsel, Donald Savery, has conferred with John O'Conner, counsel for the Plaintiffs, who assented to the requested relief.

/s/ Christina N. Davilas
Christina N. Davilas

Respectfully submitted,

**ROBERT S. BOWDITCH, JR.,
GERALD SLAVET,
STEVEN RIOFF, AND
BSR ASSOCIATES,
By their attorneys,**

/s/ Christina N. Davilas
Steven W. Hansen (BBO# 220820)
Donald J. Savery (BBO# 564975)
Christina N. Davilas (BBO# 655477)
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110
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Dated: October 11, 2005

CERTIFICATE OF SERVICE

I, Christina N. Davilas, hereby certify that on this 11th day of October, 2005, I served the foregoing document by causing a true copy of same to be delivered by first-class mail to counsel for the Plaintiffs.

/s/ Christina N. Davilas
Christina N. Davilas